

(i) Except as provided in paragraph (f)(7)(iii) of this section, automated static dissipater additive package blender facilities and hand-blender facilities which are terminals, which physically blend static dissipater additive packages into MVNRLM diesel fuel, must make immediately available to EPA, upon request, the preceding twelve months of VAR formula records plus the preceding two months of VAR supporting documentation.

(ii) Except as provided in paragraph (f)(7)(iii) of this section, other hand-blending static dissipater additive package facilities which physically blend static dissipater additive package into MVNRLM diesel fuel must make immediately available to EPA, upon request, the preceding two months of VAR formula records and VAR supporting documentation.

(iii) Facilities which have centrally maintained records at other locations, or have customers who maintain their own records at other locations for their proprietary static dissipater additive package injection systems, and which can document this fact to the Agency, may have until the start of the next business day after the EPA request to supply VAR supporting documentation, or longer if approved by the Agency.

(iv) In this paragraph (f)(7), the term “immediately available” means that the records must be provided, electronically or otherwise, within approximately one hour of EPA’s request, or within a longer time frame as approved by EPA.

§ 80.615 What penalties apply under this subpart?

(a) Any person liable for a violation under § 80.612 is subject to civil penalties as specified in section 205 of the Clean Air Act (42 U.S.C. 7524) for every day of each such violation and the amount of economic benefit or savings resulting from each violation.

(b)(1) Any person liable under § 80.612(a)(1) for a violation of an applicable standard or requirement under this Subpart I or for causing another party to violate such standard or requirement, is subject to a separate day of violation for each and every day the non-complying diesel fuel remains any place in the distribution system.

(2) Any person liable under § 80.612(a)(2) for causing motor vehicle diesel fuel, NRLM diesel fuel, heating oil, or other distillate fuel to be in the distribution system which does not comply with an applicable standard or requirement of this Subpart I is subject to a separate day of violation for each

and every day that the non-complying diesel fuel remains any place in the diesel fuel distribution system.

(3) Any person liable under § 80.612(a)(1) for blending into diesel fuel an additive violating the applicable sulfur standard pursuant to the requirements of § 80.521(a) or (b), as applicable, or of causing another party to so blend such an additive, is subject to a separate day of violation for each and every day the motor vehicle diesel fuel or NRLM diesel fuel into which the noncomplying additive was blended, remains any place in the fuel distribution system.

(4) For purposes of this paragraph (b) of this section, the length of time the motor vehicle diesel fuel, NRLM diesel fuel, heating oil or other distillate fuel in question remained in the diesel fuel distribution system is deemed to be 25 days, unless a person subject to liability or EPA demonstrates by reasonably specific showings, by direct or circumstantial evidence, that the non-complying motor vehicle, NR or NRLM diesel fuel, heating oil or distillate fuel remained in the distribution system for fewer than or more than 25 days.

(c) Any person liable under § 80.612(b) for failure to meet, or causing a failure to meet, a provision of this subpart is liable for a separate day of violation for each and every day such provision remains unfulfilled.

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EFFECTIVE DATE NOTE: At 69 FR 39208, June 29, 2004, § 80.615 was added, effective Aug. 30, 2004.

§§ 80.616–80.619 [Reserved]

PROVISIONS FOR FOREIGN REFINERS AND IMPORTERS FOR MOTOR VEHICLE DIESEL FUEL SUBJECT TO A TEMPORARY COMPLIANCE OPTION OR HARDSHIP PROVISION

§ 80.620 What are the additional requirements for motor vehicle diesel fuel produced by foreign refineries subject to a temporary refiner compliance option or hardship provisions?

(a) *Definitions.* (1) A foreign refinery is a refinery that is located outside the United States, the Commonwealth of Puerto Rico, the Virgin Islands, Guam,